

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DORIS CRENSHAW,)	
)	
Plaintiff,)	
)	
v.)	No. 4:05 CV 1669 DDN
)	
MERCK & CO., INC.,)	
AMY SEPKO,)	
SHERRY ALBERTS,)	
PFIZER, INC., and)	
THE MEDICINE SHOPPE,)	
)	
Defendants..)	

MEMORANDUM AND ORDER STAYING ACTION

On February 16, 2005, the Judicial Panel on Multidistrict Litigation in *In re Vioxx Products Liability Litigation*, Docket No. 1657, issued its Transfer Order, upon the motion of Merck & Co., Inc. (Merck), that 148 actions, some of which are pending before this court, be transferred to the Eastern District of Louisiana for pretrial proceedings. In that Transfer Order the Panel acknowledged that there are approximately 300 potentially related actions pending in many districts. The Panel stated that these actions will be treated as potential tag-along actions. A review of the allegations in this action indicates that the above-styled action is a tag-along action, likely to be transferred as part of the *Vioxx Liability Litigation*.

Regarding pending matters, the Panel stated that the pendency of a motion to remand is not a sufficient basis to avoid inclusion in the transfer; such motions "can be presented to and decided by the transferee judge." See *In Re Vioxx Products Liability Litigation*, No. 1657, at 2 (MDL February 16, 2005).

Currently pending in this action are (1) the motion of Merck to stay all proceedings (Doc. 7), joined in by defendant Pfizer, Inc. (Doc. 17); and (2) the motion of plaintiff to remand (Doc. 14).

Although this action was not specifically included in Schedule A of the Transfer Order, this action is a potential tag-along action subject to the authority of the Judicial Panel on Multidistrict Litigation and subject to consolidation and transfer. See Rules 7.4 and

7.5, R.P.J.P.M.L. (2001). Therefore, the pending motion to remand must be deferred to the transferee court for ruling after transfer. The motion to stay will be sustained.

Therefore,

IT IS ORDERED that the motion for remand (Doc. 14) is deferred to the transferee court following transfer; and

IT IS FURTHER ORDERED that the motion of defendant Merck to stay all other proceedings (Doc. 11), pending transfer to the transferee court, is sustained.

A handwritten signature in cursive script, reading "David D. Noce". The signature is written in dark ink and is positioned above a horizontal line.

DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

Signed on October 31, 2005.